

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE
BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

SUZANNE MALTA, R.N.
License # NO 11414800

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a registered professional nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.

2. On or about September 25, 2014, a letter of inquiry was sent to respondent on behalf of the Board, asking for information and documentation concerning an arrest on September 9, 2014 on charges of reckless endangerment, simple assault and harassment. The letter was sent by certified and regular mail to respondent's address of record with the Board. The letter of inquiry also asked respondent to provide certificates of completion for nursing continuing education

completed during the last three years. (Exhibit A) The certified mailing of the letter was signed for. The regular mailing was not returned. No response was received.

3. Respondent indicated on her 2014 renewal application that she would have completed all required nursing continuing education for the 2012-2014 licensing cycle by May 31, 2014.

4. On or about September 25, 2014, the Board received a flagging notice indicating that respondent had been arrested on September 24, 2014 on charges relating to possession of a controlled dangerous substance, possession of a hypodermic needle, hindering apprehension and receiving stolen property.

5. Ms. Malta signed a private letter agreement on July 2, 2012 in which she undertook to notify the Board in writing within ten days following any arrest. Respondent did not so notify the Board of the September 9, 2014 and September 24, 2014 arrests.

6. Pursuant to the terms of the private letter agreement, the agreement was to have the force and effect of a Board order within the intendment of N.J.A.C. 13:45C-1.4. (Exhibit D, Paragraph 1) The agreement further provided that confidentiality of the private letter agreement might not be maintained should respondent breach the agreement, in which event the agreement might be used in a proceeding against respondent's nursing license.

7. On July 2, 2012, a consent order was filed by the Board, requiring respondent to document successful completion, within one year of the filing of the order, of a five-day course entitled "Principles of Infection Prevention and Control," a course offered by the Northern and Southern Chapters of APIC and the New Jersey

Department of Health and Senior Services; and Board-approved courses in nursing ethics and in safe handling of chemotherapeutic agents.

8. Respondent has not supplied documentation of completion of these courses.

CONCLUSIONS OF LAW

1. Respondent's failure to respond to the Board's inquiry with regard to the September 9, 2014 arrest constitutes a violation of f N.J.A.C. 13:45C-1.2, -1.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e)).

2. Respondent's failure to document completion of required nursing continuing education for the 2012-2014 licensing cycle constitutes a violation of N.J.A.C. 13:37-5.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

3. Respondent's indication on her 2014 renewal application that she would have completed required continuing education for the 2012-2014 licensing cycle by May 31, 2012 constitutes misrepresentation within the intendment of N.J.S.A. 45:1-21(b).

4. Respondent's arrest on charges of reckless endangerment, simple assault and harassment on September 9, 2014, and her arrest on drug-related charges on September 24, 2014, taken in conjunction with the history of alcohol abuse indicated in respondent's private letter agreement, warrant subjecting respondent to evaluation and monitoring as a condition of continued licensure or of reinstatement of licensure pursuant to N.J.S.A. 45:1-22(f).

5. Respondent's failure to report her September 24, 2014 arrest to the Board within ten days constitutes a breach of the private letter agreement, and is viewed by

the terms of that agreement as a violation of a Board order within the intendment of N.J.A.C. 13:45C-1.4.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on January 30, 2015, provisionally suspending respondent's nursing license, and imposing a reprimand and a total of \$750 in civil penalties. A copy of the Order was served upon the respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

The record reflects that the certified mailing of the Provisional Order was signed for. The regular mailing was not returned. No response has been received to date. The Board considered this matter, and determined that service had been effected, as the mailings had been sent to respondent's address of record with the Board. The Board further determined that as no discrepancies had been raised with respect to the findings and conclusions of the Provisional Order, additional proceedings were not necessary, and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 2nd day of April, 2015,

ORDERED that:

1. Respondent's New Jersey nursing license is hereby suspended for a minimum of six months for the violations of N.J.A.C. 13:45C-1.2, -1.3 and -1.4.

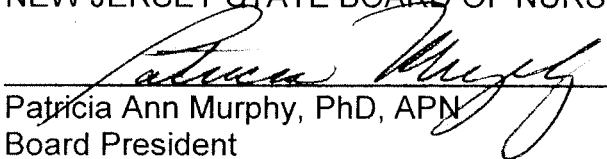
Respondent's nursing license shall not be reinstated until she until she has fully responded to the Board's request for information, until she has provided documentation of required continuing education to be attributed to the 2012-2014 licensing cycle; until she has demonstrated successful completion of the courses required pursuant to the 2012 consent order; and until she has demonstrated for a minimum of six months that she is fit and competent to practice nursing, and RAMP supports her reinstatement.

2. A public reprimand is hereby imposed upon respondent for the violation of N.J.S.A. 45:1-21(b).

3. A civil penalty in the amount of \$500.00 is hereby imposed for the violation of N.J.A.C. 13:45C-1.2, -1.3, as well as a civil penalty in the amount of \$250.00 for failure to timely complete required continuing education in violation of N.J.A.C. 13:37-5.3, for a total penalty amount of \$750.00. Payment shall be in the form of a certified check or money order, made payable to the State of New Jersey, and forwarded to the attention of George Hebert, R.N., Executive Director, Board of Nursing, P.O. Box 45010, 124 Halsey Street, Newark, NJ 07101, and shall be forwarded within twenty-one (21) days of the filing of this order.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Ann Murphy, PhD, APN
Board President